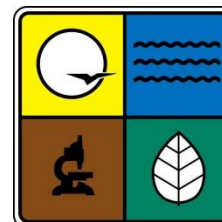


Director Referrals to the Attorney General's Office

Darcy A. Bybee

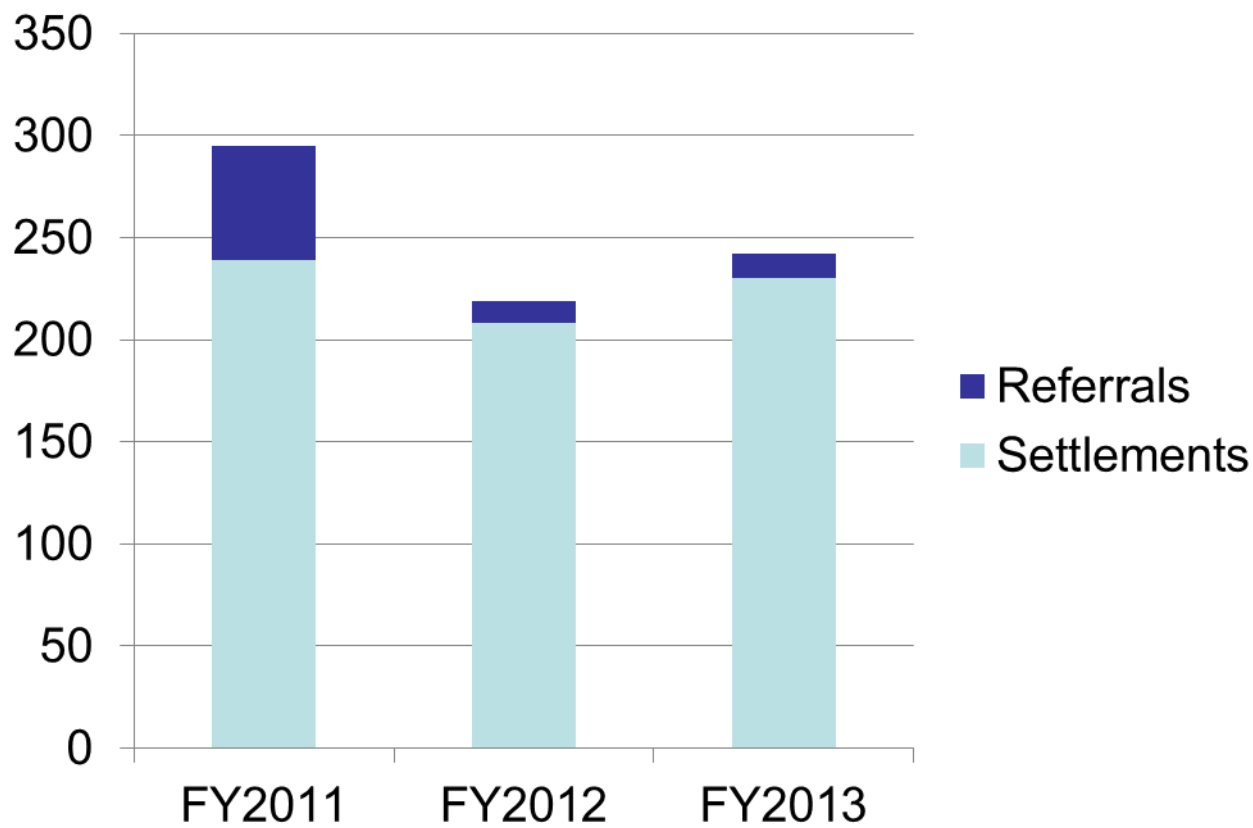
Compliance/Enforcement Section

March 27, 2014



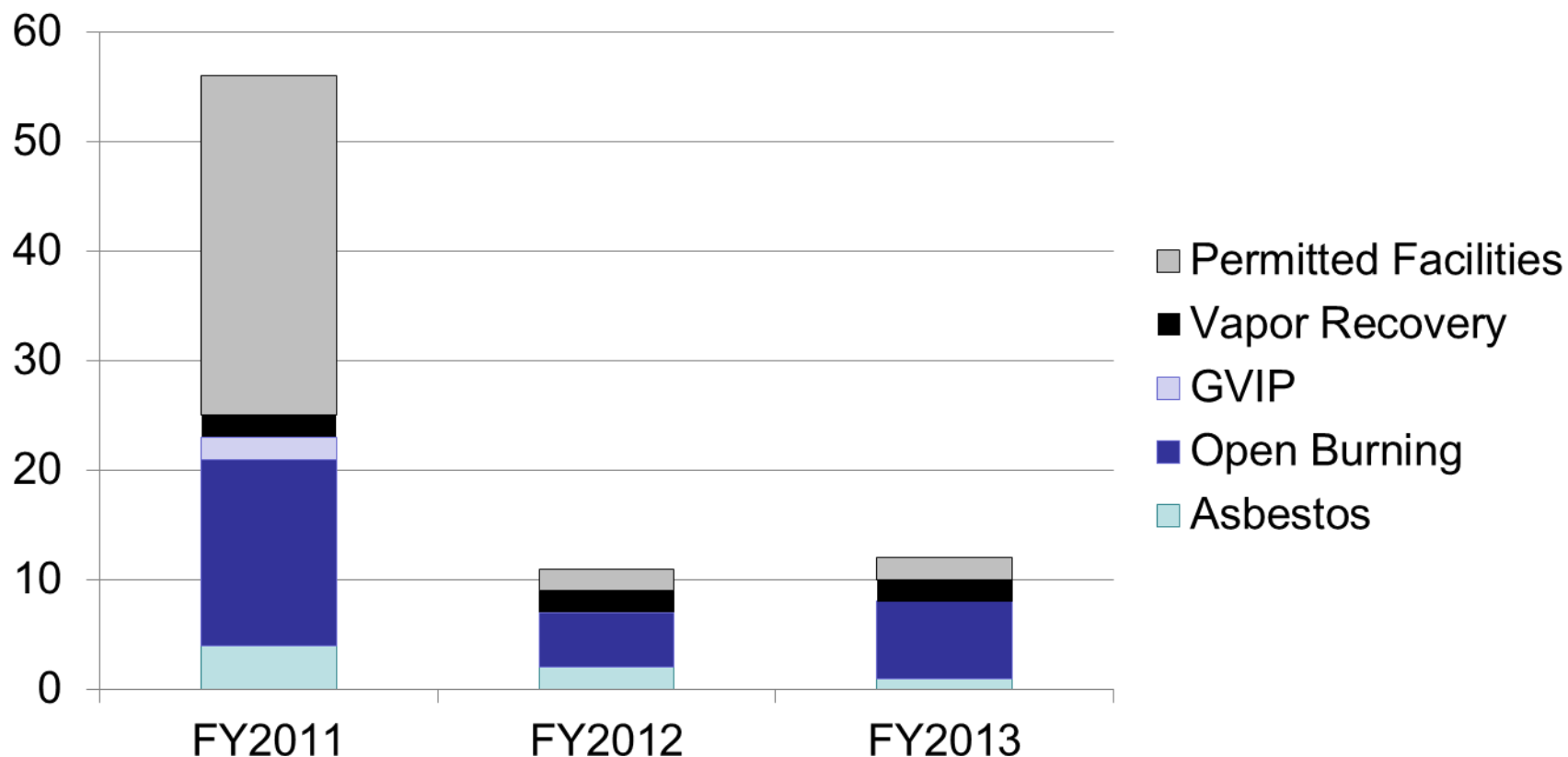
MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

Referrals and Settlements



March 2014

Summary of Referral Actions



Why have the numbers gone down?

- Increased compliance?
- Better coordination?
- Usage of Administrative Penalty Authority?
- ?

Proposal for Consideration:

Commission grants direct referral authority for all
(or a subset as discussed on the next slide)
referral actions to the department.

- Process:
 - Conference, Conciliation & Persuasion
 - Internal Review process
 - Written notification to the Responsible Party
 - Regular Commission updates
 - Minimum Annual Review of the process

Other items for consideration:

- Allow this delegation for only a subset of actions? For example,
 - Only open burning (or ?)
 - Only multi-media cases
 - Only cases that have ongoing compliance issues
 - Only cases where the Responsible Party has a history of noncompliance with state/federal environmental regulations
 - ?

Pros:

- Ability to refer on a shorter timeline for example, to address ongoing compliance issues
- No delays due to quorum issues etc.
- Ability for joint referrals with other programs that have this authority

Cons:

- Depending on the type of authority granted, confusion or misapplication
- Loss of the Responsible Party's ability to come before the Commission

If the Commission is in agreement:

- Vote for approval of proposal and any special considerations as listed on Slide 6
- The Air Program will begin following the Commissions' approved procedure for future referrals

Questions?